


UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

**FILED**  
**NOV 23 2005**  
  
CLERK

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NATIONAL LABOR RELATIONS  
BOARD,

Applicant,

-VS-

PARAGON CUSTOM HOMES, INC.,  
THOMAS M. COBURN, and  
THOMAS M. ISSENHUTH,

Respondents.

MISC. 05-05

ORDER

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This Court has entered an Order adopting the Honorable United States Magistrate Judge John E. Simko's Order granting the National Labor Relations Board's application for an order to enforce the investigative subpoenas issued by that agency. Doc. 8. The National Labor Relations Board has now filed a motion to adjudge Respondents in civil contempt and for other civil relief, including costs, attorney's fees, prospective fines, and writ of body attachment. Doc. 10. It appears to the Court that the Application of the National Labor Relations Board for a Summary Order Requiring Obedience of the Investigative Subpoenas and motion to adjudge Respondents in civil contempt were served only upon Respondent Thomas M. Issenhuth and served by overnight mail. It also appears to the Court that Thomas M. Issenhuth is not named as a Respondent in the Eighth Circuit Court of Appeals Amended Judgment (Ex. 1 to Application) or listed as a Respondent or agent of the Respondent in the Decision and Order of the National Labor Relations Board (Ex. 2 to Application). In addition, Thomas M. Issenhuth has not made an appearance of counsel in this action and there is no evidence in this record that he has appeared as counsel of record before either the Eighth Circuit Court of Appeals or National Labor Relations Board. Therefore,

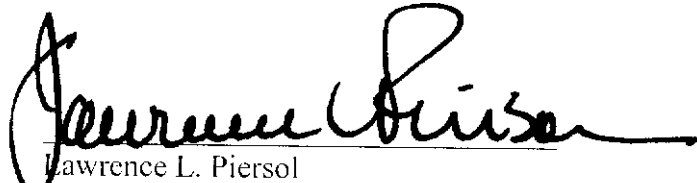
IT IS HEREBY ORDERED:

(1) That Applicant within 15 days of receipt of this Order make a showing to this Court that Thomas M. Issenhuth is a proper Respondent in this action and that service of the Application and subsequent pleadings and Orders were proper under 29 U.S.C. § 161(4) or other applicable law or regulation ; and

(2) That Applicant serve the individual Respondents with copies of this Order and the showing requested by this Order and file the proofs of service with the Clerk of this Court.

Dated this 23<sup>rd</sup> day of November, 2005.

BY THE COURT:

  
Lawrence L. Piersol  
Chief Judge

ATTEST:

JOSEPH HAAS, CLERK

BY: Shelly Margulies  
(SEAL) DEPUTY